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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 10th May, 2016

No.14585—Con-R-45/2014/R&D.M.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Odisha hereby makes the following rules to regulate the Probation and Departmental Examination of persons appointed to the Odisha Revenue Service, Group 'B'; namely:—

1.Short title and commencement — (1) These rules, may be called the Odisha Revenue Service, Group-B (Probation and Departmental Examination) Rules, 2016.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2.Definitions —(1) In these rules, unless the context otherwise requires, —

- (a) "Commission" means the Odisha Public Service Commission;
- (b) "Departmental Examination" means the examinations prescribed in the schedule to these rules;
- (c) "Government" means the Government of Odisha;
- (d) "Probationer" means an officer appointed to the Odisha Revenue Service, Group 'B' on probation;
- (e) "Service" means the Odisha Revenue Service, Group 'B';
- (f) "Time scale" means the time scale of pay determined for the Service by Government from time to time;
- (g) "Schedule" means the schedule appended to these rules; and
- (h) "Year" means the calendar year.

(2) All other words and expression used but not specifically defined in these rules shall unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Probation: — (1) Every person on being appointed to the Service by direct recruitment shall be on probation for a period of two years and when appointed on promotion and selection shall be on probation for a period of one year, from the date he joins the post:

Provided that the Government may, if they so think fit, extend the probation in any case, the reasons to be recorded in writing, by such period as they may deem necessary:

Provided further that the probation of a member of the service shall be deemed to have been extended till the date of his confirmation as would be specified in the order in which the period as probation is extended in that behalf:

Provided also that such period of probation shall not include:—

- (a) Extraordinary leave;
- (b) period of unauthorised absence; and
- (c) any other period held to be not being on actual duty.

(2) If the Government are satisfied, during the period of probation or extended period of probation of a member of the Service, that his continuance in the Service shall not be in public interest or that he has not applied himself earnestly to the training he was required to undergo or that he has failed to pass the Departmental Examination completely or submit the case records referred to in sub-rule (1) of rule 6 to the satisfaction of the Revenue Divisional Commissioner, such member of service may be terminated from service and the reasons of such termination shall be recorded in writing.

(3) Consequent upon the passing of an order referred to in sub-rule (2), the probationer shall,—

(a) If recruited directly, be deemed to have been removed from the Service; and

(b) If appointed to the service by promotion or selection be deemed to have been reverted to the post or service from which he was promoted or selected as the case may be;

Explanation :—The Government shall be the judge of a probationer's performance and its consistency with public interest.

4. Training:— Every member of the service shall, during the period of probation undergo such training as Government may from time to time determine.

5. Departmental Examination:—Every member of the service shall, during the period of his probation, pass the Departmental Examination as prescribed in the Schedule appended to these rules:

Provided that a member of the service who, prior to his appointment to the service, has passed such examination or any part thereof or any other examination as may be declared equivalent to such examination or any part thereof, may be exempted from passing such Departmental Examination or any part thereof.

6.Submission of case records:— (1) Every member of the service shall, during the period of probation, prepare full, complete and careful record of a case,—

- (a) under sections 107 to 110 or sections 133, 144 and 145 of the Code of Criminal Procedure, 1973; and
- (b) under the Land Acquisition Act, 1894, or the Odisha Schedule Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, or the Odisha Public Demands Recovery Act,1962, or the Odisha Land Reforms Act,1960, or the Odisha Prevention of Land Encroachment Act,1972.

Explanation:— If any of the Acts referred to in clause (b) is repealed and replaced by another Act, the case record shall, thereupon, relate to the replaced Act.

(2) The case records as referred to in sub-rule(1) shall be submitted to the Collector of the district in which the probationer is posted for the purpose of field training and the Collector shall forward the case records to the Revenue Divisional Commissioner concerned together with his comments.

(3) If the Revenue Divisional Commissioner is of the opinion that the case records have been carefully prepared and the probationer's comprehension of the law is sound; he shall inform the Secretary, Revenue & Disaster Management Department accordingly. On the other hand, if he considers either the case records or the probationer's comprehension of law or both to be unsatisfactory, he shall direct the probationer, through the Collector, to resubmit the same and shall keep the Secretary, Revenue & Disaster Management Department informed of the decision.

7. Confirmation:—

A probationer shall be eligible for confirmation, if he/she, —

- (a) has passed the Departmental Examinations completely;
- (b) has in the opinion of Government completed the institutional and field training satisfactorily;

- (c) has submitted to the satisfaction of the Revenue Divisional Commissioner, the case records referred to in sub-rule (I) of rule 6; and
- (d) is considered by the Government to be fit for confirmation.

8. Drawal of increments:— (1) A member of the service shall draw the first annual increment in the time scale on completion of one year of service.

(2) No member of the Service shall be allowed to draw second and subsequent annual increment in the time scale until he/she has been confirmed in the service.

Explanation:— Delay in passing the Departmental Examination completely shall not have effect of postponing the increment cumulatively but arrear increment dues shall not be allowed.

9. Relaxation:—When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any provision of these rules in respect of any class or category of the employees.

10. Interpretation:—If any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

SCHEDULE

DEPARTMENTAL EXAMINATION FOR PROBATIONERS IN THE ODISHA REVENUE SERVICE, GROUP B (See Rule 5)

1. Conduct of examination by the Board of Revenue :—

The Departmental Examination shall be conducted under the overall control and supervision of the Member, Board of Revenue. He shall be assisted by such Group 'A' Group 'B' Officers and other staff as the Government may decide from time to time. One of the officers shall, for purposes of the provisions in this schedule, either exclusively or in addition to his other duties, be designated as the Director of Examination.

2. Programme of the Examination and Admission of Candidates:—

- (1) The examination shall be held ;—
 - (a) twice in every calendar year at intervals of at least 4 months; and

(b) at such place or places and on such date(s) as the Board of Revenue may decide.

(2) The Director of Examinations shall with the approval of the Member, Board of Revenue, notify in the *Odisha Gazette* and in at least two Odia daily newspapers having widest circulation in the State, the programme and place of the examination and the last date by which applications for admission into the examination are to be received. The notice shall be published at least 6 weeks before the date of commencement of the examination.

(3) The applications for admission into the examination shall be in the form set-forth in *Appendix-I* to this schedule and shall be submitted in the manner as specified in the notice referred to in sub-paragraph (2).

(4) The Director of Examination shall prepare a list of probationers who have been admitted into the examination and no person whose name does not appear in the said list shall be allowed to sit in the examination.

3. Subjects of Examination:—

The subjects of examination and the maximum marks for each subject shall be as indicated in the following table:—

Table

Sl. No.	Subject of Examination	Maximum Marks for the written test	Maximum Marksfor the Viva voce test	Total Maximum Mark
1	2	3	4	5
1.	Odia	70	30	100
2.	Revenue Laws	100	50	150
3.	Criminal and Excise Laws	40	10	50
4.	General and Civil laws	40	10	50
5.	Accounts Service Conditions and Manuals	50	-	50
	Total:	300	100	400

4. Syllabus for the Examination:—

The syllabus for the examination in different subjects (other than Odia) shall be as prescribed in *Appendix-II* to this Schedule.

Examination in Odia:—

(1) The examination in Odia shall consist of two papers, namely:—

(a) Paper-1, which shall be of one hours duration and carry 40 marks on translation of :—

- (i) two passages in Odia language into English language; and
- (ii) two passages in English language into Odia language.

(b) Paper-II, which shall be of 45 minutes duration and carry 30 marks on a subject on which a short essay in Odia language of about 150 words would have to be written; and

(2) A viva voce test which shall be of 10 to 15 minutes duration and carry 30 marks, shall aim at testing the candidates proficiency in reading printed matter as well as a manuscript and conversation in Odia language.

(3) A probationer who has passed the High School Certificate Examination conducted by the Board of Secondary Education, Odisha or an examination equivalent or Superior thereto in Odia Medium or with Odia as one of the subjects shall on application to the Director of Examinations in that behalf and production of proof of such passing be exempted from passing the examination in Odia.

6. Examination in Revenue Laws:—

(1) The written examination in Revenue Laws shall be of 3 (three) hours duration. There shall be a single paper consisting of questions designed to test the candidates knowledge of Law and comprehension of methods of their practical application. It should be ensured that the candidates are not required to attempt all questions and have some option in selecting questions. The candidates will be allowed to use bare Acts and Rules or un- annotated compilation

(2) The Viva voce test shall be of 10 to 15 minutes duration and shall aim at assessing the candidate's awareness of important provisions of the laws and rules.

7. Examination in Criminal and Excise Laws:—

(1) The written examination in Criminal and Excise laws shall be of 2 (two) hours duration. There shall be a single paper consisting of questions designed to test the candidate's knowledge in the laws and wherever necessary of procedures. As in the case of the examination in Revenue Laws, the candidates should be given some option in answering questions and should be allowed to use bare Acts.

(2) The viva voce test will be of about 10 minutes duration and shall aim at assessing the candidates awareness of important provisions of the Laws.

8. Examination in General and Civil Laws:—

The provisions of paragraph 7 shall *mutatis mutandis* apply to the examination in General and Civil Laws.

9. Examination in Accounts, Service Conditions and Manuals:—

The examination in Accounts, Service conditions and manuals shall be of 2 (two) hours duration and shall consist of a single paper. The candidates will be required to answer at least 5 questions. They shall be permitted to use, in course of the examination, the rules, code and manuals corresponding to the syllabus for this examination.

10. Viva voce:—

There shall be for each viva-voce test two examiners. Each examiner shall award marks separately to each candidate and the average of the marks awarded by both the examiners shall be deemed to be the marks secured by the candidate. The mark sheets prepared by each examiner shall be sent to the Director of Examinations who shall determine the marks secured by each candidate and keep the mark sheets in safe custody. If the viva voce test in any subject cannot be completed at the same day and has to be carried over to another day, the mark sheets shall be deposited with the Director of Examinations at the end of the first day and shall be collected from him before the test commences on the next day.

11. Selection of question setters and Examiners:—

Question Setters and examiners for each subject shall be selected by the Member, Board of Revenue, but —

(a) the Legal Remembrancer of the Law Department or Additional Legal Remembrancer of the Law Department shall be one of the examiners in the *viva voce* test in Criminal and Excise laws and in General and Civil Laws; and

(b) the second examiner in the viva voce test and question setters as well as examiners in the subject referred to in (a) above shall be selected in consultation with the Legal Remembrancer of the Law Department.

12. Conduct of Examination:—

The Director of Examinations shall, subject to such directions as the Member, Board of Revenue may give, make arrangements for the conduct of the examination including obtaining question papers and keeping them in safe custody, checking the identity of candidates, supply, collection and custody of answer books, invigilation, and tabulation of marks.

13. Minimum Pass Marks :—

No candidate shall be deemed to have passed the examination unless he has secured at least sixty per cent of the maximum marks in the written examination and viva voce test in each subject except in Accounts. Service conditions and manuals in respect of which marks obtained in the written examination alone should be taken into account. If a candidate has secured pass marks in the written examination in any subject but has failed in the viva voce test therein, he shall be exempted from appearing again in the written examination in the said subject but shall be required to appear in the viva voce test; if however, he has passed the viva-voce test but failed in the written examination, he shall be required to appear again at the written examination and the viva-voce test.

14. Publication of Results:—

(1) If a candidate, while securing the minimum pass marks or higher marks in any subject fails to secure the minimum pass marks in another subject, the notice published in pursuance of sub-paragraph (2) shall indicate the subject or subjects in which he has passed.

(2) On completion of tabulation of marks, the Director of Examinations shall after obtaining the approval of the Member, Board of Revenue, publish notice indicating the name of candidates who have passed it in certain subjects. The notice shall be published in the *Odisha Gazettee* and copies of the notice should be sent to the Secretary to Government, Revenue & Disaster Management Department, Commissioner, Training, Co-ordination, Gopabandhu Academy of Administration and all Collectors.

(3) As soon as may be after the publication of the notice referred to in Sub-paragraph (2), the Director of Examinations shall forward a list of candidates who have passed the Examination completely to the Secretary to Government, Revenue and Disaster Management Department in order that he can process their confirmation in the service in accordance with rule 7.

(4) A probationer who has passed the examination completely shall be deemed to have passed it on the last day on which the examination was held or, if he passed the examination in instalments or parts on the last day of the examination in which he finally passed.

15. Penalties for use of unfair means in the examination:—

(1) If a candidate is found to be using or have used unfair means in the examination,

- (a) the Director of Examinations shall cancel the results of the examination in the subject or subjects in which he has already appeared and also debar him from appearing at the examination in the remaining subjects in the same chance; and
- (b) the Member, Board of Revenue shall, after considering the report of the Director of Examination pass an order debarring the candidate from appearing at the examination in subsequent chances not exceeding 5 successive chances other than that mentioned in sub-paragraph (a)

(2) In every case in which a penalty referred to in sub-paragraph (1) is imposed, the Director of Examinations shall submit a report to the Secretary to Government, Revenue & Disaster Management Department who shall bring this report to the notice of Government while the probationers confirmation in the service is under their consideration.

16. Submission of Answer Books and Mark sheets by the examiner:—

Each examiner shall submit the answer books with a mark sheet properly authenticated to the Director of Examinations within a period of one month from the date on which the answer books are received by him.

17. Preservation of Answer Books and Mark sheets by the Examiner:—

All answer books, mark sheets and tabulation documents shall be preserved for a period of three calendar years immediately following the year of examination.

18. Power to issue instruction:—

The Government or the Board of Revenue may issue such instructions, not inconsistent with the provision of this schedule, as they consider necessary to regulate matters not specially covered by the provisions of this schedule.

By Order of the Governor

Dr. MONA SHARMA
Principal Secretary to Government

Appendix-I**FORM OF APPLICATION FOR ADMISSION INTO THE DEPARTMENTAL EXAMINATION**

(See paragraph 2(3) of the Schedule)

From:

Date

Shri/Smt.

(Name in Block Letters)

Date of joining in the Service:

Designation :

Postal Address :

To

The Director of Examinations,
Board of Revenue, Odisha,
Cuttack.

Sub: Admission into the Departmental Examination to be held on

Sir,

With reference to the notice of the Departmental Examination scheduled to commence on I am to request you to admit me into the said examination and allow me to appear in the following subjects.

2. I have already passed in the following subjects, vide Board's Notice No.

Date

Subject

Notice No.& Date

Yours faithfully

(Signature in full)
Designation

Appendix-II

Syllabus for the Examination in Revenue Laws, Criminal and Excise Laws, General and Civil Laws, Accounts, Service Conditions and Manuals.

(See paragraph 4 of the Schedule)

A- Revenue Laws -I

1. The Land Acquisition Act, 1894 (Act 1 of 1894'.)
2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. The Odisha Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (Odisha Regulation 2 of 1956).
4. The Odisha Survey and Settlement Act, 1958 (Odisha Act 3 of 1959)
5. The Odisha Irrigation Act, 1959 (Odisha Act 14 of 1959) and Rules thereunder.
6. The Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960)
7. The Odisha Cess Act, 1962 (Odisha Act 2 of 1962
8. The Odisha Public Demands Recovery Act, 1962 (Odisha Act 1 of 1963) and the Rules and executive instructions thereunder.
9. The Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) and the rule thereunder.
10. The Odisha Prevention of Land Encroachment Act, 1972 (Odisha Act 6 of 1972) and the Rules there under.
11. The Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (Odisha Act 21 of 1972).
12. The Odisha Minor Minerals Concession Rules, 2004 .
13. The Odisha Public Premises (Eviction of unauthorised occupants) Act, 1972.

B- CRIMINAL and Excise Laws -II

1. The Indian Penal Code. 1860 (Act No.45 of 1860) (Sections 96-106) only.
2. The Code of Criminal Procedure, 1973 (Act No.2 of 1974) (Section 81) and Chapters VI, IX only).
3. The Prevention of Corruption Act, 1988 (Act No.49 of 1988)
4. The Police Act, 1861 (Act No.5 of 1861) and the Police Act, 1888 (Act No.3 of 1888) .
5. The Protection of Civil Rights Act, 1955 (Act No.22 of 1955)
6. The Essential Commodities Act, 1955 (Act No.10 of 1955)
7. The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Act No.7 of 1980)".
8. The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No.61 of 1985)
9. The Dowry Prohibition Act, 1961 (Act No.28 of 1961)

C- GENERAL and CIVIL LAWS-III

1. The Indian Evidence Act, 1872 (Act No.1 of 1872)
2. The Code of Civil Procedure, 1908 (Act No. 5 of 1908 (Order V, Rules 1- 30)
(Order XVI Rules, 1.;21 and Order XVI-A Rules 1-7 only)
3. The Registration Act, 1908 (Act No. 16 of 1908)
4. The Odisha Forest Act, .1972 (Odisha Act 14 of 1972)
5. The Forest (Conservation) Act, 1980 (Act No. 69 of 1980)
6. The Odisha Municipal Act, 1950 (Odisha Act 23 of 1950)
7. The Odisha Panchayat Samiti Act, 1959 (Odisha Act 7 of 1960)
8. The Odisha Grama Panchayat Act, 1964 (Odisha Act 1 of 1985)
9. The Odisha Money Lenders Act, 1939 (Odisha Act III of 1939)
10. Panchayat (Extension to the Scheduled Areas) Act, 1996.
11. Odisha Zilla Parishad Act, 1991
12. Odisha Municipal Corporation Act, 2003

, D- Accounts, Service conditions and manuals

1. The Odisha Budget Manual.
2. The Odisha General Financial Rules.
3. The Manual of Tahasil Accounts.
4. The Odisha Treasury Code.
5. The Odisha Service Code.
6. The Odisha Panchayat Samiti Accounting Procedure Rules.
7. The Odisha Civil Services (Classification, Control and Appeal) Rules, 1962.
8. The Odisha Mutation Manual.
9. The Odisha Records Manual.
10. The Odisha Government Servants Conduct Rules, 1959.